

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	3:07-CR-51
)	(Varlan / Shirley)
LASHONDA HALL,)	
)	
Defendant.)	

ORDER OF DETENTION PENDING TRIAL

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on March 28, 2008, for a hearing on a Petition for Action on Conditions of Pretrial Release.

At the time of her initial appearance before the Court on May 8, 2007, this Court released LaShonda Hall pending trial of this matter. Ms Hall's release was ordered subject to a number of conditions the Court found appropriate. [Doc. 18]. On March 10, 2008, the United States filed a Motion to Revoke Bond alleging that Ms Hall had tested positive for marijuana use and had been found to be driving on a revoked license in Pigeon Forge, Tennessee. [Doc. 310]. A hearing on this motion was scheduled for March 12, 2008. At that time, the Court heard argument of counsel and proffers of proof from the government and from defense counsel. The Court withheld its ruling and continued the hearing to March 28, 2008, in order to receive the testimony of witnesses and to further consider an appropriate disposition. Before the March 12, 2008, hearing was adjourned, the Court admonished Ms Hall that she was in serious jeopardy of being detained pending trial and that

her conduct while this matter was pending further hearing would be a factor considered by the Court in its final decision. Ms Hall stated that she understood. The Court specifically emphasized (at some length) that Ms Hall must refrain from driving until her driver license is restored and that she must not engage in any further drug use.

On March 26, 2008, the Court was presented with a Petition for Actions on Pretrial Release by the U. S. Probation Office asserting two new violations of Ms Hall's conditions of release, both of which were alleged to have occurred after Ms Hall's last court appearance [Doc. 326]. It was alleged that Ms Hall had both driven her vehicle and tested positive for drug use.

On March 28, 2008, the Court heard testimony from four witnesses and argument of counsel. The witnesses who offered evidence were U.S. Probation Officer C.W. Covert, DEA Special Agent Bethel Poston, Ms Ebony Foxx and Ms Hall. In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find probable cause to believe LaShonda Hall has committed a violation of a federal, state or local law while on pretrial release and I find by clear and convincing evidence that LaShonda Hall has violated the other terms and conditions of her pretrial release. See 18 U.S.C. § 3148. The Court also finds that Ms Hall's release would pose a danger to the community. Furthermore, the Court finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that Ms Hall would not pose a danger to the safety of any other person or the community, and that she is unlikely to abide by any conditions or combination of conditions of release by virtue of the fact that she has demonstrated a determined intention to disregard any conditions set by the Court.

It is therefore **ORDERED** that Defendant, LaShonda Hall, be detained. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge